

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|---------------------|
| RAYMOND SAMUEL DAVENPORT, III | : | CIVIL ACTION |
| | : | |
| | : | |
| v. | : | NO. 17-1616 |
| | : | |
| POTTSTOWN HOSPITAL COMPANY LLC, et al. | : | |
| | : | |

ORDER

AND NOW, this 6th day of October 2017, upon considering Defendant Pamela Franz's Motion to Dismiss (ECF Doc. No. 42), Plaintiff's Response (ECF Doc. No. 45) and for reasons in the accompanying Memorandum, it is **ORDERED** Defendant Pamela Franz's Motion to Dismiss (ECF Doc. No. 42) is **GRANTED in part** and **DENIED in part**:

1. Plaintiff's §1983 claim against Pamela Franz (Count I) is **dismissed with prejudice**;
2. Plaintiff's negligence claim against Pamela Franz (Count VII) is **dismissed**; and,
3. Plaintiff may proceed on his intentional infliction of emotional distress claim against Pamela Franz (Count X) who shall answer the Second Amended Complaint on or before **October 20, 2017**.



KEARNEY J.